

NOXIOUS-PLANT CONTROL ON FEDERAL LANDS

AUGUST 11, 1959.—Ordered to be printed

Mr. HUMPHREY, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 861]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 861) to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill provides for the application of State weed-control plans to Federal lands. It authorizes the State commissioner of agriculture to destroy noxious plants on Federal lands if the agency having jurisdiction of the lands consents thereto, and has not already complied with the requirements of the program. The same procedure applicable to private lands would be followed on Federal lands.

The States would be reimbursed for expenses incurred by them to the extent that Congress sees fit to appropriate funds for that purpose. The Federal Government would retain full authority over the Federal lands and the procedures applied to them, but the bill would give encouragement to Federal agencies in participating with the States in weed control programs, so that the efforts of one division of government to control weeds is not destroyed by the action of the other.

An identical bill (S. 3861) passed the Senate on May 21, 1958, but was not considered by the House.

It is difficult to estimate the effect that enactment of this bill might have on Government expenditures. The Department of the Interior has budgeted \$960,579 in fiscal 1960 for weed control work and the Department of Agriculture expects to devote about \$50,000. Most of this work is already being carried out cooperatively with States in the manner provided by the bill. The bill does not require automatic expansion of this program, but should encourage expansion.

VIEWS OF FEDERAL AGENCIES

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
July 17, 1959.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.

DEAR SENATOR ELLENDER: This is in reply to your request for the views of this Department on S. 861, a bill to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government.

We would have no objection to the enactment of S. 861.

Section 1 of this bill would authorize the commissioner of agriculture, or any other proper agency, of a State in which there is in effect a program for the control of noxious plants to enter upon any land in that State under the control or jurisdiction of a department, agency, or independent establishment of the executive branch of the Federal Government, with the permission of the head of that department, agency, or independent establishment and in accordance with a program acceptable to him, and to destroy by appropriate methods noxious plants growing on that land, if the State officer has followed the same procedure as that required by the State program with respect to privately owned land, and if the department, agency, or independent establishment involved has failed to comply with the requirements of the State program. Section 2 would direct the head of a department, agency, or independent establishment, having jurisdiction of the land involved, to reimburse the State for expenses incurred under section 1, to the extent that funds appropriated to carry out the purposes of S. 861 are available. Section 3 would authorize the appropriation of sums necessary to carry out the bill's purposes.

Before a State could, pursuant to S. 861, enter on lands under the control or jurisdiction of a Federal department or agency it would have to obtain permission from the head of that Federal department or agency. Since the bill would require that the Federal department or agency reimburse the State for its expense, and since the Federal officers responsible would presumably not permit the State to enter upon the land and destroy plants unless sufficient funds were available to reimburse the State, it is doubtful if much could be accomplished under S. 861, unless sufficient appropriations were made. A Federal agency, lacking available funds, might be put in the embarrassing position of continually having to refuse to cooperate with a State agency.

In the past the Department has had a policy of cooperating, to the fullest extent possible in the light of available authority and available funds, with State and local agencies in the control of noxious plants. Such a policy of cooperation would be strengthened by the enactment of S. 861. However, since we might find some programs of State and local agencies outmoded and ineffective, or incompatible with Federal programs, it is fortunate that S. 861 provides that the entry of State and local agencies on lands under the control or jurisdiction of Federal agencies is subject to the permission of the head of the Federal agency concerned, and must be in accordance with a program acceptable to him.

Though S. 861 would be helpful in that it would permit State agencies to assist in plant control on federally controlled land, it would not, by any means, provide a solution for the whole problem of plant control on federally administered land. It is essential that Federal agencies be able to undertake programs of plant control themselves.

The Bureau of the Budget had advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ELMER F. BENNETT,
Acting Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 27, 1959.

Hon. ALLEN J. ELLENDER,
*Chairman, Committee on Agriculture and Forestry,
U.S. Senate.*

DEAR SENATOR ELLENDER: This is in reply to your request of February 4, 1959, for a report on S. 861, a bill to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government.

Since adequate legislative authority for the control of noxious plants is already available, we believe this bill is unnecessary and therefore recommend against its enactment.

This bill would authorize any State commissioner of agriculture or other proper agency head of any State in which there is in effect a program for the control of noxious plants to enter upon any Federal land in such State, with prior permission from the agency head administering such Federal land, and destroy by appropriate methods noxious plants growing on such land if (1) the same procedure required by the State program with respect to privately owned land has been followed, and (2) the Federal agency involved has failed to comply with the requirements of such program. To the extent that funds have been appropriated to Federal departments and agencies specifically for carrying out the purposes of this legislation, the Federal Government would be required to reimburse any State incurring expenses for the above type of plant control upon presentation of an itemized account of such expenses.

The Department has long recognized the desirability of noxious plant control on both public and private lands and has always furthered control efforts on lands for which it has the responsibility of administration, insofar as available funds would permit. Also, wherever practicable, it is the policy of the Department to attain close Federal-State coordination through cooperation with States, counties, and private individuals in the planning and conduct of any noxious plant control programs. We recognize that it has not always been feasible, within the funds available for the operation and maintenance of national forests and title III, Bankhead-Jones lands, to devote as much money to such work as would have been desirable if there had been no necessity of controlling Government expenditures. The Department, of course, must consider needs for noxious plant control in relation to other important needs and within the framework of overall budget limitations.

We are unable to estimate the number or size of the programs that would be initiated by the States if S. 861 were to be enacted and therefore we are unable to estimate what effect the bill would have upon the budgetary requirements of this Department.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

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